

REMARKS

Amendments to the Claims

Applicants thank the Examiner for an early indication of allowable subject matter. Applicants have amended the claims without prejudice to further presentations in a continuation application along the lines suggested in the Office Action mailed July 5, 2005.

Specifically, independent claim 1 is hereby amended to incorporate the limitation recited in claim 2. Claim 2 is hereby canceled.

Applicants have also amended claim 10, which recites a kit of parts for coloring hair, to incorporate the same limitation upon the dye precursor mixture as recited in amended claim 1.

New claim 15 is introduced, to recite the inclusion of a "nascent oxidizing agent" analogous to claim 4.

No new matter has been introduced.

Double Patenting

In the Office Action, claims 1, 3, 6-8, and 10-14 were provisionally rejected over claims in the copending applications: Application No. 10/963,332, Application No. 10/691,391, and Application No. 10/613,864.

Since claims 2 and 4 were not rejected on basis of double patenting over the same Applications, applicants assume that the currently amended claims, which now incorporate the limitations of claim 2, overcomes the double patenting rejection.

However, in light of the availability of the Terminal Disclaimer practice, applicants agree to the filing of the Terminal Disclaimer should one still be required, upon an indication of the allowable subject matter.

Claim Rejections – 35 USC § 103

In the Office Action mailed August 5, 2005, claims 1, 3, 5, 8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sarojini et al (US2003/0154562 A1). Claims 6-7 and 11-14 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Sarojini et al (US2003/0154562 A1) in view of Dias (US 6,540,791 B1).

In an effort to advance prosecution of the application and without prejudice, applicants have amended the independent claims 1 and 10 to incorporate the limitation recited in previous dependent claim 2 (now canceled) as suggested in the Office Action. Since this limitation is not taught or disclosed in the prior art, applicants' consider that the 103(a) rejections over Sarojini et al (US2003/0154562 A1) alone or in combination with Dias (US 6,540,791 B1) is now rendered moot. Consequently, applicants respectfully request that the application as amended be allowed to issue.

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael P. Aronson". The signature is fluid and cursive, with a horizontal line drawn underneath it.

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